

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 19, 2007 (hereinafter Office Action) have been considered. Claims 1-25 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 3-7, 9-12, 14-16, 18-21 and 23-25 are rejected based on 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0072451 by Pimentel et al. (hereinafter "Pimentel"). Applicants respectfully traverse the rejections. To anticipate a claim the reference must teach every element of the claim, and it is respectfully submitted that Pimentel does not meet this standard.

Independent Claim 1, 7, 12, 16, and 21 all contain descriptions of using a WAP CO OTA push session to communicate a Web service message to a wireless terminal. For example, Claim 1 is directed to a method involving forming a Web service message at a first network entity and establishing a Wireless Application Protocol (WAP) Connection-Oriented (CO) Over-The-Air (OTA) push session with a second network entity. A transport protocol is bound with the WAP CO OTA push session and the Web service message is sent to the second network entity via the WAP CO OTA push session using the transport protocol. Applicant respectfully submits that Pimentel is at least deficient in expressly or inherently showing a Web services message being sent to a wireless terminal via WAP CO OTA.

Pimentel provides a broad description of WAP push technology, *e.g.*, "when employing a 'push' framework the client (20) does not explicitly request information from the server (22). Rather, the server (22) sends information (28) to the client (20) based on events triggered within the server (22)." (Pimentel, 0004); "WAP has created a model to facilitate the use of the 'push' framework." (Pimentel, 0006). On page 4 of the Office Action, paragraph 0044 and FIG 6 of Pimentel are relied upon to show sending a Web service message to a second network entity via a WAP CO OTA push session bound to a transport protocol. However, Pimentel's description relative to FIG. 6, when considered in the proper context, fails to teach any Web service message being sent via WAP CO OTA.

For example, on paragraph 0043, Pimentel describes “sensitive data, *e.g.*, a new e-mail” being received at an enterpriser server. In response to this sensitive data, a wireless gateway prepares a notification to a wireless device “into a format recognized by the wireless device, *e.g.*, SMS format.” In response to this wireless notification, a wireless client application “initiates a ‘pull’ request to download new sensitive data corresponding to the notification message.” The description of communications between the wireless client and the wireless gateway in paragraph 0044 is all related to the second part of this transaction, the “pull” request used to obtain the data.

Applicant respectfully asserts that none of the transactions being described in paragraphs 0043-0044 (or elsewhere) in Pimentel expressly or inherently describe a Web service message being sent via WAP CO OTA. As is known in the art, Web services can be implemented as modular applications and invoked across the World Wide Web. Web services are typically configured to use standard Web protocols such as Hypertext Transfer Protocol (HTTP), Extensible Markup Language (XML) and Simplified Object Access Protocol (SOAP). (*see, e.g.*, Applicants Specification, 0005-0006). However, none of the transaction message described in Pimentel can be reasonably be considered to be Web service messages sent using WAP OTA push.

The only descriptions in paragraph 0043 of Pimentel that relates to data being sent via push are the notifications that are sent, for example, via SMS. However, nowhere does Pimentel describe the SMS message as using standard Web protocols, nor is such SMS message described as being used to invoke an application via such Web protocols. The other transactions that follow this notification (*e.g.*, downloading the sensitive data) are consistently described as being “pull” operations, and as such cannot be relied upon to show the use of WAP OTA push. (*e.g.*, client sends a “pull” request to an enterprise server that “includes authentication information,” Pimentel, 0044). Therefore, Applicants respectfully submit that Pimentel does not describe the providing of a Web service on a device that receives a push message, nor does Pimentel describe the use of push to facilitate Web service message exchanges. For at least this reason, Pimentel fails to anticipate independent Claims 1, 7, 12, 16, and 21.

Further, regarding dependent Claims 6, and 20, Applicants respectfully note that these claims recite features which can be further distinguished from Pimentel. These claims describe sending a Web service response message via the WAP OTA push session from which the Web service message was received. In the rejection of Claims 6 and 20, Pimentel's description on paragraph 0047, lines 8-16, was relied upon to teach sending a Web service response message back via a WAP CO OTA push session. Although Pimentel does describe sending a push request to a server to authenticate the wireless client, nowhere is this described as being a Web service response message. Also, Pimentel explicitly describes this as a push request, and not response (see, *e.g.*, Pimentel, 0047, line 9).

More importantly, Pimentel does not describe the push request in paragraph 0047 being sent using the same push session as was used when sending the notification described in paragraph 0043. On the contrary, the push request described in paragraph 0047 is in response to a user request to send an email message (see, *e.g.*, Pimentel, 0045), and therefore has no relation to the notification message described in paragraph 0043 of Pimentel. As such, Applicants submit that, in addition to the reasons given above, Pimentel is further deficient in describing sending a Web service response message via the WAP OTA push session as set forth in dependent Claims 6 and 20.

Dependent Claims 3-6 depend from independent Claim 1; dependent Claims 9-11 depend from independent Claim 7; dependent Claims 14 and 15 depend from independent Claim 12; dependent Claims 18- 20 depend from independent Claim 16; and dependent Claims 23-25 depend from independent Claim 21. These dependent claims also stand rejected under 35 U.S.C. §102(e) as being anticipated by Pimentel. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 7, 12, 16, and 21. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from Pimentel. Therefore, dependent Claims 3-6, 9-11, 14, 15, 18-20 and 23-25 are also allowable over Pimentel.

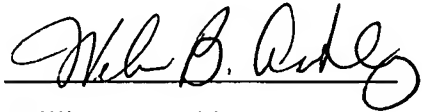
Claims 2, 8, 13, 17 and 22 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Pimentel. Applicants respectfully traverse the rejections. The Office Action states that paragraph 0043, lines 9-12, of Pimentel teaches ‘the message being any type of message which will imply SOAP.’ Applicants respectfully disagree. In this paragraph, Pimentel does not describe that any type of message can be sent using push, nor would such a description be sufficient to support a contention the use of a SOAP message is obvious. First, the description on lines 9-12 merely states that a notification message is sent, without specifying any formats or protocols. On lines 14-16 of the same paragraph, the actual message sent via push is limited to “a format recognized by the wireless device.” Pimentel does not teach or suggest that the wireless device recognize a SOAP message, nor would the only example of such a message, *e.g.*, an SMS message, suggest a SOAP message, or any other Web service message. For at least this reason, Pimentel does not render Claims 2, 8, 13, 17 and 22 obvious.

Authorization is given to charge Deposit Account No. 50-3581 (NSN.018.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: December 17, 2007

By: 
William B. Ashley
Reg. No. 51,419